

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

| | | |
|--------------------|---|----------------------------------|
| MALIBU MEDIA, LLC, | : | |
| | : | |
| Plaintiff, | : | Case No. 2:14-cv-1130 |
| | : | |
| vs. | : | Judge Michael H. Watson |
| | : | |
| MICHAEL COLVIN, | : | Magistrate Judge Terence P. Kemp |
| | : | |
| Defendant. | : | |

26(f) REPORT OF THE PARTIES

Pursuant to Fed. R. Civ. P. 26(f), a meet and confer was held on February 10, 2015 and attended by **Yousef M. Faroniya**, counsel for Plaintiff, **Kessia C. Cericola**, Counsel for Defendant, to discuss the contents of this report.

1. **Magistrate Jurisdiction.** The parties consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. 636(c).
2. **Pre-Discovery Disclosures.** The parties have agreed to waive initial disclosures.
3. **Discovery Subjects and Dates.** The parties jointly propose the following:
 - A. **Subjects.** Discovery will be necessary on the following subjects:

The parties will conduct discovery on the claims in the Complaint and defenses thereto. That will likely include Requests for Admissions, Requests for Documents, Requests for Interrogatories, Requests for Inspection, and a couple depositions.

Plaintiff will not seek discovery from or subpoena non-parties without leave of court.

Neither party waives the right to object to requested discovery that goes beyond the scope of the Federal Rules of Civil Procedure, including but not limited to, objections due to relevancy and undue burden.

B. Phases of Discovery.

 X Discovery should be bifurcated between liability and damages.

 Discovery should be bifurcated between expert and non-expert.

____ Discovery should be limited or focused upon particular issues related to _____.

____ Discovery need not be bifurcated or limited.

C. Dates.

Date for disclosure and report of Plaintiff(s) expert(s): **August 13, 2015.**

Date for disclosure and report of Defendant(s) expert(s): **September 14, 2015.**

Date for disclosure and report of rebuttal expert(s): **October 14, 2015.**

Date for disclosure of non-expert witnesses: **August 21, 2015.**

Discovery Cutoff Date: **September 21, 2015.**

4. Discovery Limitations. The parties jointly propose the following changes to limitations under the Federal Rules of Civil Procedure:

____ The maximum number of interrogatories by each party to any other party shall be ____.

____ The maximum number of requests for admission by each party to any other party shall be ____.

____ The maximum number of depositions taken by plaintiff(s) and by defendant(s) shall be ____, each limited to a maximum of ____ hours unless extended by agreement of parties.

☒ No changes to limitations under Fed. R. Civ. P.

5. Other Matters:

A. Protective Order. The parties anticipate the need for a protective order.

B. Settlement. A settlement demand has been made. A response has been made.

Date by which a demand can be made: **March 14, 2015.**

Date by which a response can be made: **May 1, 2015.**

C. Motion Deadlines.

Deadline to amend the pleadings and/or add parties: **April 20, 2015.**

Deadline for motions relative to the pleadings: **September 2, 2015.**

Deadline for dispositive motions: **September 2, 2015.**

D. Pretrial Conference Dates.

Recommended date for status conference (if any): **October 14, 2015.**

Recommended date for final pretrial conference: **January 14, 2015.**

E. Other matters pertinent to management of this litigation:

None.

Respectfully submitted,

/s/ Kessia C. Cericola
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*Trial Counsel for Plaintiff Malibu Media,
LLC*

CERTIFICATE OF SERVICE

I certify that I filed the foregoing *26(f) Report of the Parties* with the Clerk of Court on February 11, 2015 using the Court's CM/ECF system which will serve copies of the same upon counsel for all parties through the Court's CM/ECF filing system.

/s/ Kessia C. Cericola